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Attorney & Author

November 13, 2021

*Via Electronic Filing*

The Honorable Richard A. Lanzillo,  
U.S. District Court, Western District of Pennsylvania  
17 South Park Row  
Erie, PA 16501

Re: *Murphy v. The Tot Baby Corporation*, Case No.: 1:21-cv-00209-RAL

Your Honor:

Plaintiff opposes Defendant's request for an extension of time to respond to Plaintiff's Complaint (ECF 16).

The request misrepresents "substantive settlement discussion" between counsel. Defendant has not responded to Plaintiff's settlement demand, despite being given—and exhausting—30 days since the last time this Honorable Court extended the deadline for a response.

After Defendant expressed a willingness for the first time to consider a demand to settle this case as part of its second request for an extension, Plaintiff submitted a formal settlement demand on October 13, 2021. On that same day, Defendant requested, and Plaintiff responded with, additional information. The next day the extension was granted, but prior to yesterday (when requesting a third extension), Defendant has not as much as attempted to contact Plaintiff's counsel.

In essence, Plaintiff is wary of the stated purpose for the third requested extension, and whether it would advance a negotiated resolution since two prior extensions exceeding 70 days have not resulted in even the slightest offer by Defendant to resolve this case. Meanwhile, Plaintiff is prejudiced by ongoing inaccessibility of Defendant's digital properties. Accordingly, Plaintiff moves this Honorable Court to DENY the request for an extension of time to respond to Plaintiff's Complaint and ORDER Defendant to immediately respond to the Complaint.

Respectfully,

/s/ LAWRENCE H. FISHER

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